

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

for the
District of New MexicoUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 05 2022

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*blue trailer in vicinity of GPS coordinates N36.754792
W108.700561 in Shiprock, NM

Case No. 22-MR-16

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

blue trailer in vicinity of GPS coordinates N36.754792 W108.700561 in Shiprock, NM

located in the _____ District of _____ New Mexico _____, there is now concealed *(identify the person or describe the property to be seized)*:

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.


The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. § 841(a)(1) and (b)(1)(A)	Possession with Intent to Distribute a Mixture and Substance Containing 500 Grams or more of Methamphetamine

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days *(give exact ending date if more than 30 days)*; _____ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

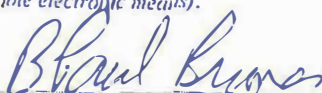

 Applicant's signature

Travis Kosir, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
(specify reliable electronic means).

Date: January 5, 2022


 Judge's signature

City and state: Farmington, NM

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
blue trailer in vicinity of GPS coordinates
N36.754792 W108.700561 in Shiprock, NM

Cr. No. 22-MR-16

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, Travis Kosir, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the search of property described below and in Attachment A. This affidavit is made in support of an application for a search warrant for a blue trailer in vicinity of GPS coordinates N36.754792 W108.700561 in Shiprock, NM (referred to herein as "Target Location"). The trailer is the primary residence of Jason E. BEGAY, (referred to herein as "BEGAY"), year of birth 1981.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been employed as such since March 2016. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have primary investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as murder, robbery, arson, aggravated assault, sexual assault, and narcotics violations, including drug trafficking. As a Federal Agent, I am authorized to

investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon information from my personal observations, my training and experience, and information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation.

4. The Target Location to be searched is described in the following paragraphs and in Attachment A. Based on the facts set forth in this affidavit, there is probable cause to believe violations of Title 21 U.S.C. § 841(a)(1) and (b)(1)(A) possession with the intent to distribute a controlled substance; to wit, 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, were committed by BEGAY, and that evidence of such crimes may be contained in the Target Location.

5. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to believe that evidence of the listed offense is located in the Target Location.

PROBABLE CAUSE

6. On or about November 14, 2021, the Farmington Resident Agency of the FBI was notified that the Navajo Police Department (“NPD”) had responded to a 911 dispatch call regarding an individual slumped over the steering wheel of a vehicle parked in vicinity of mile post 14 on route N-36 just north of Morgan Lake in San Juan County, New Mexico, within the exterior boundaries of the Navajo Nation Indian Reservation. Upon arrival, officers observed one occupant sitting in the driver seat of the vehicle along with a black handgun located on the front passenger seat. Officers made contact with the driver, later identified as BEGAY, however, BEGAY fled the scene resulting in NPD initiating a pursuit of the vehicle. The pursuit led to the south side of Shiprock, NM to the southwest subdivision housing area where the vehicle became stuck in soft dirt near a property fence. Pursuing officers issued commands to BEGAY, the sole occupant of the vehicle, who did not comply. BEGAY then exited the vehicle and ran approximately one hundred yards before being apprehended by NPD officers. Officers identified BEGAY, who was known to officers from multiple previous encounters involving firearms and drugs.

7. While observing BEGAY’s vehicle at the location it stopped, NPD officers observed a black pistol in plain view on the driver area floorboard of the vehicle, identified as a dark green Chevrolet Tahoe bearing New Mexico license plate ANYY44. NPD officers also observed a tool bag sitting open on the driver seat containing multiple plastic bags with what appeared to be a white crystal-like substance in them which the officers recognized as likely methamphetamine based on their training and experience.

8. BEGAY was taken into custody by NPD officers who conducted a search of BEGAY’s person and located a soft ball sized plastic bag containing a white crystal-like

substance in BEGAY's right front pocket. The substance from the plastic bag in BEGAY's right front pocket was field tested and resulted in a positive test for methamphetamine. NPD officers also seized the black pistol from the driver area floorboard which was identified as a 9mm SCCY model CPX-1 pistol bearing serial number 243884.

9. A search of BEGAY's vehicle conducted by Navajo Nation Department of Criminal Investigations ("NNDICI") located eight plastic bags containing a white crystal-like substance in the tool bag initially observed by NPD officers on the driver seat. The weight of the eight plastic bags ranged from approximately 3.2 ounces to 16.1 ounces, totaling approximately 109.4 ounces (3,101.4 grams), or 6.8 pounds, for all eight bags. The white crystal-like substance located in all eight plastic bags was field tested and all eight field tests resulted in positive tests for the presence of methamphetamine.

10. NNDICI also located a loaded black 9mm Beretta model 92FS pistol bearing serial number E23193Z in the glove box of the vehicle, a black 12 Gauge Chiappa model AR-12S magnum shotgun bearing serial number 120SA12P1284 in the cargo area, a Gamo Bone model 1300 pellet rifle bearing serial number 04-1C-128459-14 in the cargo area, and numerous unspent 12 gauge and .40 caliber pistol ammunition rounds throughout the vehicle. A firearm suppressor was located in the pouch on the back side of the driver seat in addition to a night vision device on the front passenger floorboard.

11. All of the evidence seized during the execution of the search on Begay's vehicle was submitted to the NNDICI evidence room where it will be maintained until it can be transferred to FBI custody.

12. On or about November 14, 2021, your affiant received criminal history results for BEGAY which noted BEGAY had been arrested in June 1999 for third degree felony aggravated

assault and fourth degree felony aggravated assault by Farmington, NM Police Department. Further review of New Mexico District Court records revealed BEGAY was convicted of fourth degree felony aggravated assault in April 2001 in violation of New Mexico statute 30-03-02(A).

13. The initial contact with BEGAY, the ensuing pursuit, and final location where BEGAY was taken into NPD custody are all within the exterior boundaries of the Navajo Nation Indian Reservation.

14. On or about December 21, 2021, BEGAY was indicted on one count of violating Title 21 U.S.C. § 841(a)(1) and (b)(1)(A) possession with the intent to distribute a controlled substance; to wit, 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine and one count of violating Title 18 U.S.C. § 924(c)(1)(A)(i) using and carrying a firearm during and in relation to a drug trafficking crime, and possessing a firearm in furtherance of such crime.

15. On or about January 5, 2022, BEGAY was arrested by the FBI at the Target Location pursuant to an arrest warrant issued by the United States District Court, District of New Mexico. During execution of the arrest, BEGAY was located and arrested in the bathroom of the residence. In plain view on the bathroom sink was a semi-automatic pistol. In plain view in the garbage bin next to the toilet BEGAY was sitting on was a one gallon size plastic bag with residue and small pieces of a white crystal like substance. Multiple pipes appearing to have suspected drug residue were also observed throughout the residence.

16. On or about January 5, 2021, BEGAY was interviewed by the FBI and NNDCl. BEGAY acknowledged that he was previously convicted of a felony for aggravated battery. BEGAY also acknowledged that he was aware that as a convicted felon he was not allowed to

possess firearms. BEGAY stated there were three firearms in his residence where he was arrested in addition to “so called meth” in the amount of “a couple eight balls.”

17. In my training and experience, individuals involved in drug trafficking are often in possession of controlled substances and United States currency. They will also often keep paraphernalia, such as packaging material and scales, to facilitate their drug sales. Drug traffickers also will often maintain documents or records to track their sales, prices, and customers. Many individuals involved in drug trafficking often will possess firearms and ammunition as a means to protect themselves during their drug trafficking activities. Drug traffickers also utilize electronic devices, including cellular telephones, laptops, and tablets to communicate with their suppliers and customers; and will often keep records of their drug trafficking activities on electronic devices, to include photographs and messages.


AUTHORIZATION REQUEST

18. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to 18 U.S.C. § 2703(c) and Federal Rule of Criminal Procedure 41.

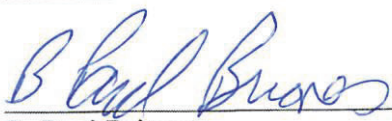
19. Based on my training, experience, and the facts set forth in this affidavit, there is probable cause to believe violations of Title 21 U.S.C. § 841(a)(1) and (b)(1)(A) possession with the intent to distribute a controlled substance; to wit, 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, were committed by BEGAY, and that evidence of such crimes may be contained in the Target Location.

20. Assistant United States Attorney Novaline Wilson, District of New Mexico, reviewed this affidavit for legal sufficiency.

I swear that this information is true and correct to the best of my knowledge and belief.


Travis Kosir
Special Agent
Federal Bureau of Investigation

Subscribed and sworn telephonically before me this 5th day of January 2022


B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

The property to be searched is a blue trailer in vicinity of GPS coordinates N36.754792 W108.700561 in Shiprock, NM (referred to herein as “Target Location”).

ATTACHMENT B

Particular Things to be Seized

1. Controlled substances to include methamphetamine, heroin, cocaine, and marijuana
2. U.S. Currency
3. Paraphernalia related to using, packaging, weighing, and distributing illegal drugs
4. Firearms, firearm cases, firearm accessories
5. Ammunition, ammunition casings, ammunition packaging
6. Electronic devices
7. Documents, books, and papers reflecting names, addresses, and/or telephone numbers